

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BPI ENERGY, INC.,)
Plaintiff,)
V.)
IEC (MONTGOMERY), LLC, et al.,)
Defendants.)
Civil No. **07-186-DRH**

ORDER

PROUD, Magistrate Judge:

Before the Court is plaintiff BPI Energy’s motion for leave to file a second amended complaint to address standing and pleading deficiencies raised by the defendants and the Court, and to add claims. (**Doc. 26**). No objection has been lodged.

IT IS THEREFORE ORDERED that plaintiff's motion to file a second amended complaint (**Doc. 26**) is **GRANTED**. Plaintiff shall file its second amended complaint on or before **July 27, 2007**.

IT IS FURTHER ORDERED that the following motions are rendered moot:

1. The defendants' motion to dismiss plaintiff's amended complaint (**Doc. 23**); and
2. Plaintiff's motion for an extension of time to respond to defendants' motion to dismiss (**Doc. 27**).

IT IS SO ORDERED.

DATED: July 17, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE